IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18580 OF 2005

Dated : August 22, 2005

Between:

M/s. GH Reddy & Associates,

Rep. by its Managing Partner GH Reddy,

R/o:8-2-672/E, Banjara Hills, Hyderabad.

Petitioner

AND

The Municipal Corporation of Hyderabad,

Rep. by its Commissioner, Office at MCH

Complex, Tank Bund, Hyderabad.

Respondent

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18580 OF 2005

ORAL ORDER:

Aggrieved of the action of the respondent in acquiring or dispossessing or demolishing Flat No. 201 bearing Municipal No. 7-3-680/5, 2nd Floor, Regency House, situated at Somajiguda, Punjagutta, Hyderabad, without giving notice or following due process of law, the petitioner filed this writ petition.

It is the case of the petitioner that the premises has been in the occupation of the petitioner. The respondents proposes to widen the road leading from Somajiguda Circle to Panjagutta by 60 feet, as per the HUDA Master Plan and the respondent by its letter dated 26.7.2005 as asked for the consent of the petitioner to surrender an extent of 70.63 Sq. Mts. as per the plan and, thus, the respondent seeks to demolish five storied structure. Therefore, filed the instant writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

The ownership of the petitioner over the building which is sought to be demolished is not in dispute. The respondent corporation intends to widen the road to an extent of 150' and thus asked for the consent of the petitioner to surrender an extent of 70.63 Sq. Mts. for the said purpose.

The contention of the learned counsel for the petitioner is that in view of the settled position of law, the respondent is required to follow due process of law in acquiring the land by demolishing the existing structures and the respondent cannot acquire the land and demolish the building highhandedly.

Having regard to these submissions, I deem it appropriate to dispose of the writ petition at the stage of admission, directing the respondent not to acquire, dispossess or demolish Flat No. 201 bearing Municipal No. 7-3-680/5, 2nd Floor, Regency House, situated at

Somajiguda, Punjagutta, Hyderabad, without following due process of law and the procedure contemplated under Sec. 146 and 147 of the Hyderabad Municipal Corporation Act.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 22, 2005

MAS